



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

ENFORCEMENT &  
COMPLIANCE ASSURANCE  
DIVISION

November 1, 2021

Mark Larsen  
Project Coordinator  
ANCHOR QEA, LLC  
1119 Pacific Avenue, Suite 1600  
Tacoma, Washington 98402

Re: Consent Order Noncompliance Regarding Bosma Liberty Lagoon 18  
Administrative Order on Consent ("Consent Order")  
Docket No. SDWA-10-2013-0080  
Yakima Valley Dairies, Washington

Dear Mr. Larsen:

If any liquid is currently present in Bosma Liberty Lagoon 18 ("Lagoon 18"), remove it immediately. EPA's October 6, 2020 letter (EPA letter No. 230) expressed concerns about Respondent's proposal to convert Lagoon 18 to "clean" water storage. EPA's main concern was that such conversion could further contaminate the drinking water aquifer with nitrate, and stated, "Storing oxygenated "clean" water in an unlined former lagoon basin is likely to convert any nitrogen entrained in the subsurface to nitrate and transport it to the groundwater...." EPA also expressed concern that Respondent's proposal provided no definition of "clean" water --- that the stored liquid itself may contain nitrate or nitrate precursors that could increase nitrate loading to the groundwater.

EPA remains concerned that the Bosma Lagoon 18 closure work was not completed by December 31, 2020 in accordance with the EPA-approved schedule and the Consent Order. Available information suggests that the "catch basin" you installed just north of Lagoon 18, which was intended to intercept and re-direct runoff from the Dairy's manure composting area, may be an ineffective alternative to lining Lagoon 18, and that Lagoon 18 has apparently been full of, or partially filled with, liquid in 2021. As you are aware, the EPA-approved closure plan<sup>1</sup> required, "After the removal or in-place treatment of nutrient-rich soils has been completed, Lagoon No. 18 will be backfilled by clean soil and regraded so that it does not impound water. At no time after December 31, 2020, shall the Dairy allow any standing water or liquid to accumulate within the footprint of Lagoon No. 18. An automatic pump or pumps shall be proactively installed, if necessary, to prevent the occurrence of any standing water or liquid."

In accordance with paragraph 21 of the Consent Order, EPA hereby requests that you provide by November 29, 2021, copies of all documents and information within Respondents' possession or control or that of their contractors, employees or agents relating to the implementation of this Consent Order, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs,

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<sup>1</sup> Liberty Dairy Lagoon No. 18 Abandonment Plan (November 3, 2020)

receipts, reports, correspondence, or other documents or information, including emails and text messages, relating to:

1. The “catch basin” constructed just north of Lagoon 18, including but not limited to any:
  - a. Construction plans
  - b. As-built drawings
  - c. Materials descriptions
  - d. Photographs
  - e. Information regarding the catch basin’s effectiveness, including preventing surface water flow from entering Lagoon 18
2. The observation of, occurrence of, or evidence of, any liquid in Lagoon 18 from January 1, 2021 through today, including but not limited to:
  - a. The duration of the presence of liquid in Lagoon 18 after December 31, 2020 --- when liquid was first observed in the lagoon, and subsequently, the first observation that there was no longer liquid in the lagoon
  - b. Any indications, observations, photos, and measurements of the quantity of liquid in the lagoon
  - c. Any statements, observations, analyses, photos and other information regarding the origin of the liquid and its path to the lagoon
  - d. Any actions Respondents took to prevent the accumulation of liquid in the lagoon, and the dates of these actions
  - e. Any actions Respondents implemented to remove liquid from the lagoon and the dates of these actions
  - f. Description of what was done with any liquid that Respondents removed from the lagoon
  - g. Any sampling and sampling results of the liquid entering or in the lagoon
  - h. When the lagoon bottom was dry and free of liquid

EPA has informed Respondents more than once that they risk stipulated penalties for noncompliance regarding this lagoon. The closure plan was not submitted in accordance with the EPA-approved schedule and the Consent Order, and the field work was not implemented nor completed in accordance with the EPA-approved schedule and the Consent Order. Failure to close lagoons properly and timely, in accordance with EPA-approved plans, likely contributes to failure to achieve downward trends in downgradient monitoring wells.

Pursuant to Paragraphs 14 and 21 of the Consent Order, the Respondent must submit this information to EPA, along with the certification required by Paragraph 17 of the Consent Order, no later than November 29, 2021.

You may contact me at (206) 553-6904, or your legal counsel may contact Jennifer MacDonald at (206) 553-8311, if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Winiecki".

Eric Winiecki  
EPA Project Coordinator  
Enforcement and Compliance Assurance Division

cc: Jennifer MacDonald  
Rene Fuentes